

12.
Court
No.1

12.07.2023

Tanmoy Ghosh

Rejected

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

CRM (DB) 334 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Kotwali Police Station Case No. 262/2022** dated **30.04.2022** under Sections **409/419/420/468/471/201/120B** of the Indian Penal Code, 1860.

And
In the matter of: - **Arinjit Ghosh @ Tinku**

Mr. Jaydeep Kanta Bhowmik, Adv.,
Mr. Sayantan Bhowmik, Adv.,
Ms. Rikta Sarkar, Adv.

...petitioner.

...for the petitioner.

Mr. Abhjit Sarkar, Adv.,
Ms. Namrata Das, Adv.

...for the State.

We have heard learned Advocate for the petitioner and learned Advocate for the State at length.

At the very outset, Mr. Bhowmik, learned Advocate for the petitioner, draws our attention to the order dated July 6, 2023, passed in CRM (DB) 371 of 2023, whereby and whereunder one charge-sheeted co-accused person being the son of the present accused/petitioner, was enlarged on bail by this Court. It is contended by Mr. Bhowmik, learned Advocate for the petitioner that considering the fact that the investigation has already been completed and also considering the fact that a more or less similarly placed co-accused person has already been enlarged on bail by the aforementioned order, the instant application for bail may be considered favourably.

While opposing the prayer for bail, Mr. Sarkar, learned Advocate for the State, submits before this Court that in course of investigation sufficient materials have been collected to substantiate that the present accused/petitioner being an erstwhile departmental employee of the Municipality, has diverted huge quantity of pension amounts to other fictitious accounts. It is thus submitted that the footing of the present accused/petitioner cannot be equated with the other charge-sheeted co-accused persons who have been enlarged on bail.

We have considered the rival submissions of the contending parties. We have also perused the entire material in the case diary.

Keeping in mind that the present accused/petitioner being a departmental employee, though he has retired in the meantime, is the kingpin of the alleged offence who is alleged to have diverted money from the Government Exchequer to some fictitious accounts, we are constrained to hold that the present accused/petitioner has miserably failed to make out a case for obtaining a favourable order from this Court and accordingly the prayer for bail is rejected at this stage.

The application for bail being CRM (DB) 334 of 2023 is accordingly dismissed.

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)